

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

BRIAN BOWEN II,

Plaintiff,

v.

ADIDAS AMERICA, INC., JAMES GATTO,
MERL CODE, CHRISTIAN DAWKINS,
MUNISH SOOD, THOMAS GASSNOLA,
and CHRISTOPHER RIVERS,

Defendants.

: Civil Action No. 3:18-cv-3118-JFA

: **MEMORANDUM OF LAW IN SUPPORT
OF DEFENDANT MUNISH SOOD'S
MOTION TO DISMISS THE AMENDED
COMPLAINT**

:

:

:

:

:

:

**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT MUNISH SOOD'S
MOTION TO DISMISS THE AMENDED COMPLAINT**

Defendant Munish Sood, through his undersigned counsel, submits this

Memorandum of Law in support of his Motion to Dismiss the Amended Complaint.

The Plaintiff's amended complaint has failed to cure the defects of the Plaintiff's original complaint. We join the arguments to dismiss made by our co-defendants in their motions to dismiss related to the original complaint and the amended complaint. We also reassert the arguments made in our previous motion to dismiss. (ECF No. 41).

The Plaintiff's Amended Complaint refers to Mr. Sood's criminal case before the Honorable Judge Wood in the Southern District of New York. (*See* ECF No. 84 ¶¶ 19, 91, 123). Recently, Judge Wood decided not to impose an incarcerated sentence or even a supervised release on Mr. Sood. (*See* Exhibit A.)

For the reasons set out in our previous motion to dismiss, and for the reasons provided by our co-defendants, Mr. Sood requests that the Court enter an order dismissing with prejudice Counts 1 and 2 of the Amended Complaint as to Mr. Sood.

Dated: September 20, 2019

Respectfully submitted,

/s/ Wilbur E. Johnson

Wilbur E. Johnson
YOUNG CLEMENT RIVERS, LLP
25 Calhoun Street, Suite 400
Charleston, SC 29401
Tel: (843) 724-6659
Email: wjohnson@ycrlaw.com

Richard J. Zack (*pro hac vice*)
Thomas H. Cordova (*pro hac vice* forthcoming)
PEPPER HAMILTON LLP
3000 Two Logan Square
Eighteenth and Arch Streets
Philadelphia, PA 19103-2799
Tel: (215) 981-4000
Email: zackr@pepperlaw.com
cordovat@pepperlaw.com

Counsel for Defendant Munish Sood

CERTIFICATE OF SERVICE

I hereby certify that on September 20, 2019, I caused the foregoing to be filed with by ECF, which sends notice of filing to all counsel of record.

/s/ Wilbur E. Johnson
Wilbur E. Johnson